# Case 3:08-cv-00239-JL Spocyment 5 District Court Page 1 of 1 United States District Court

## NORTHERN DISTRICT OF CALIFORNIA

E-filing ADR

CHRISTIAN J. BRACKO

**SUMMONS IN A CIVIL CASE** 

CASE NUMBER:

V.

ALEX CAINE; CITY OF SAN PABLO, CA; and DOES 1-10, inclusive

008-007-

JL

TO: (Name and address of defendant)

Alex Caine, City of San Pablo Police Department, 13880 San Pablo Ave, San Pablo, CA 94806 City of San Pablo, CA, One Alvarado Sq, 13831 San Pablo Ave, San Pablo, CA 94806

## YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Mister Phillips Law Office of Mister Phillips P.O. Box 1162 Pinole, CA 94564 510-672-3756

an answer to the complaint which is herewith served upon you, within days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK

DATE 2-9-08

**GLORIA ACEVEDO** 

(BY) DEPUTY CLERK

USM-285 is a 5-part form. Fill out the form and print 5 copies. Sign as needed and route as specified below.

Case 3:08-cv-00239-JL

Document 5-2 Filed 02/09/2008 Page 1 of 2 PROCESS RECEIPT AND RETURN

U.S. Department of Justice	
United States Marshals Service	

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF CHRISTIAN J. BRACKO						COURT CASE NUMBER 08-239 JL				
DEFENDANT							TYPE OF PROCESS			
ALEX CAINE						Su	Summons Complaint Answer			
	NAME OF INDIVI	DUAL, COM	PANY, COI	RPORATION.	ETC. TO SERVE C	R DESCI	∟ RIPTION	N OF PROPERTY TO	O SEIZE	OR CONDEMI
SERVE	Alex Caine, San	Pablo Pol	ice Office	r						
AT	ADDRESS (Street of				ZIP Code)					
	13880 San Pablo	Avenue,	San Pablo	, CA 94806						
SEND NOTICE	OF SERVICE COPY						Numbe	er of process to be		
								with this Form 285	3	
L	Mister Phillips LAW OFFICE OF MISTER PHILLIPS P.O. Box 1162						Number of parties to be served in this case 2			
Pi 	inole, CA 94564						Check on U.S	for service .A.		
	TRUCTIONS OR OTH Numbers, and Estimate				SIST IN EXPEDITIN	IG SERV	TCE ( <u>Ind</u>	clude Business and A	Alternate .	Addresses,
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Signature of Atto	orney other Originator	requesting sea	rvice on beha	alf of:	✓ PLAINTIFF  □ DEFENDANT		LEPHON 15-522	E NUMBER -3080	DATE 2/9/0	
					☐ DEFENDANT	4	15-522	-3080	2/9/0	08
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- PRINT 5 COPIES: 1. CLERK OF THE COURT
  - 2. USMS RECORD
  - 3. NOTICE OF SERVICE
  - 4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
  - 5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

Form USM-285 Rev. 12/15/80 Automated 01/00

### INSTRUCTIONS FOR SERVICE OF PROCESS BY U.S. MARSHAL

Please type or print legibly, insuring readability of all copies. DO NOT DETACH ANY COPIES. Submit one complete set of this form (USM-285) and one copy of each writ for each individual, company, corporation, etc., to be served or property to be seized or condemned. The applicable fees for such service(s) (T28, USC Sec. 1921 establishes the fees for service of process by the U.S. Marshal) may be required prior to said service.

For service of any process upon an officer or agent of the United States Government, submit a copy of the writ and a set of Form USM-285 for each officer or agent upon whom service is desired. Submit three (3) additional copies of the writs for service upon the Government of the United States. The U.S. Marshal will serve one (1) upon the U.S. Attorney and will forward two (2) to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or his Deputy always certifies service on the U.S. Attorney and the Attorney General, regardless of whether other defendants on the writ were served.) Failure to provide any of the copies will delay service of the writ.

Complete all entries above the double line. Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the U.S. Marshal in expediting service.

If more than one writ and USM-285 is submitted on a single case, the U.S. Marshal will receipt for all of them on the first USM-285. You will receive for your records the last (No. 5) "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Clerk of the Court.

Upon completion of all services (if the Marshals fees were not requested or tendered in advance or if additional fees are indicated), you will receive a "Billing Statement" (copy 4 of USM-285) from the United States Marshal. (NOTE: Copy 4 should be returned, by you, to the U.S. Marshal, together with your payment of the amount owed.

Additional supplies of the USM-285 may be obtained from the Clerk of the U.S. District Court or U.S. Marshal, without cost.

USM-285 is a 5-part form. Fill out the form and print 5 copies. Sign as needed and route as specified below.

Case 3:08-cv-00239-JL U.S. Department of Justice

Document 5-3 Filed 02/09/2008 Page 1 of 2 PROCESS RECEIPT AND RETURN

United States Marshals Service See "Instructions for Service of Process by U.S. Marshal"

DEFENDANT TYPE OF PROCESS	PLAINTIFF CHRISTIAN J. BRACKO							COURT CASE NUMBER 08-239 JL			
SUMMONS COMPLAINT ANSWER  STAT  City of San Pablo, California  ADDRESS fores or RPD, Agarment No. City, State and ZIP Code) One Alvarado Square, 13831 San Pablo Avenue, San Pablo, CA 94806  SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW  Mister Phillips LAW OFFICE OF MISTER PHILLIPS P.O. BOX 1162 Pinole, CA 94564  Mister Phillips LAW OFFICE OF MISTER PHILLIPS P.O. BOX 1162 Pinole, CA 94564  SECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):  Signature of Attorney other Originator requesting service on behalf of:  SEGUAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):  Signature of Attorney other Originator requesting service on behalf of:  SIgnature of Attorney other Originator requesting service on behalf of:  SIgnature of Authorized USMS Deputy or Clerk Onighn Origin Originator of Authorized USMS Deputy or Clerk Date Inches of process indicated.  No. No.  No.  No.  No.  Signature of Authorized USMS Deputy or Clerk Date Company, corporation, etc. althe address inserted below the individual, company, corporation, etc. shown at the address inserted below on the individual company, corporation, etc. shown at the address inserted below of abode    Date   Time	DEFENDANT 1										
SERVE AT ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) One Alvarado Square, 13831 San Pablo Avenue, San Pablo, CA 94806  SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW  Mister Philips LAW OFFICE OF MISTER PHILLIPS P.O. Box 1162 Pinole, CA 94564  SEPICAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Authorized USMS Deputy or Clerk  Date  Date  Date  Date  Total Process District of Origin Signature of Authorized USMS Deputy or Clerk  Date  Time  Signature of Authorized USMS Deputy or Clerk  Date  Address is submitted  Date  Time  Signature of Originator of Signature of Signatur											
SERVE AT ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) One Alvarado Square, 13831 San Pablo Avenue, San Pablo, CA 94806  SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW  Mister Philips LAW OFFICE OF MISTER PHILLIPS P.O. Box 1162 Pinole, CA 94564  SEPICAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Authorized USMS Deputy or Clerk  Date  Date  Date  Date  Total Process District of Origin Signature of Authorized USMS Deputy or Clerk  Date  Time  Signature of Authorized USMS Deputy or Clerk  Date  Address is submitted  Date  Time  Signature of Originator of Signature of Signatur								*			
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One Alvarado Square, 13831 San Pablo Avenue, San Pablo, CA 94806  SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW  Mister Phillips LAW OFFICE OF MISTER PHILLIPS P.O. Box 1162 Pinole, CA 94564  SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Attorney other Originator requesting service on behalf of:  Signature of Authorized USMS Deputy or Clerk Origin No.  No.  No.  Signature of Authorized USMS Deputy or Clerk Date Origin No.  Thereby certify and return that I may be personally served have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below  Thereby certify and return that I m unable to locate the individual, company, corporation, etc. shown at the address inserted below  Thereby certify and return that I m unable to locate the individual, company, corporation, etc. shown at the address inserted below  Thereby certify and return that I m unable to locate the individual, company, corporation, etc. shown at the address inserted below  Thereby certify and return that I m unable to locate the individual, company, corporation, etc. shown at the address inserted below  Thereby certify and return that I m unable to locate the individual, company, corporation, etc. shown at the address inserted below  Thereby certify and ret	· ·				ty, State and ZIP	Code)					
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Address (complete only different than shown above)  Total Process District of Origin No						DEFENDANT	415-52	22-3080	2/9/0	08	
number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)  I hereby certify and return that I  have personally served , have legal evidence of service, have executed as shown in "Remarks", the process described on the individual , company, corporation, etc., at the address shown above on the on the individual , company, corporation, etc. shown at the address inserted below I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)  Name and title of individual served (if not shown above)  A person of suitable age and discretion then residing in defendant's usual place of abode  Address (complete only different than shown above)  Date  Time  Signature of U.S. Marshal or Deputy  Service Fee  Total Mileage Charges including endeavors)  Forwarding Fee  Total Charges  Advance Deposits  Amount owed to U.S. Marshal* or (Amount of Refund*)  \$0.00	SPACE 1	BELOW FOR	USE OF	U.S. MA	ARSHAL O	NLY DO NO	OT WI	RITE BELOW	THIS	LINE	
No.		1	Total Process			Signature of Autho	rized USN	IS Deputy or Clerk		Date	
then one USM 285 is submitted)  No.				Origin	Serve						
I hereby certify and return that I am unable to locate the individual, company, corporation, etc. shown at the address inserted below  I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)  Name and title of individual served (if not shown above)  Address (complete only different than shown above)  Date  Time  Signature of U.S. Marshal or Deputy  Service Fee  Total Mileage Charges including endeavors)  Forwarding Fee  Total Charges  Advance Deposits  Amount owed to U.S. Marshal* or (Amount of Refund*)  \$0.00				No	No						
Name and title of individual served (if not shown above)  Address (complete only different than shown above)  Date  Time  Signature of U.S. Marshal or Deputy  Service Fee  Total Mileage Charges including endeavors)  Forwarding Fee including endeavors  Forwarding Fee (Amount of Refund*)  \$0.00											
Address (complete only different than shown above)  Date  Time  Signature of U.S. Marshal or Deputy  Service Fee  Total Mileage Charges including endeavors)  Forwarding Fee Total Charges Advance Deposits (Amount owed to U.S. Marshal* or (Amount of Refund*)  \$0.00	I hereby ce	ertify and return that I a	m unable to lo	cate the indiv	idual, company,	corporation, etc. name	d above (S	ee remarks below)			
Address (complete only different than shown above)  Date  Time  Signature of U.S. Marshal or Deputy  Service Fee  Total Mileage Charges including endeavors)  Forwarding Fee Total Charges (Advance Deposits (Amount owed to U.S. Marshal* or (Amount of Refund*)  \$0.00	Name and title of	of individual served (if	not shown abo	ove)		<u> </u>		A person of suit	table age a	nd discretion	
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Service Fee Total Mileage Charges including endeavors) Forwarding Fee Total Charges Advance Deposits Amount owed to U.S. Marshal* or (Amount of Refund*)  \$0.00	Address (compl	ete only different than s	shown above)					Date	Time		
Service Fee Total Mileage Charges including endeavors) Forwarding Fee Total Charges Advance Deposits Amount owed to U.S. Marshal* or (Amount of Refund*)  \$0.00											
including endeavors) (Amount of Refund*)  \$0.00								Signature of U.S. M	arshal or l	Deputy	
	Service Fee			ling Fee	Total Charges	Advance Deposits			nal* or		
								\$0.0	00		
	ZEMARKS.	l	<u> </u>			<u> </u>	l	4000			

- PRINT 5 COPIES: 1. CLERK OF THE COURT
  - 2. USMS RECORD
  - 3. NOTICE OF SERVICE
  - 4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
  - 5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

Form USM-285 Rev. 12/15/80 Automated 01/00

### INSTRUCTIONS FOR SERVICE OF PROCESS BY U.S. MARSHAL

Please type or print legibly, insuring readability of all copies. DO NOT DETACH ANY COPIES. Submit one complete set of this form (USM-285) and one copy of each writ for each individual, company, corporation, etc., to be served or property to be seized or condemned. The applicable fees for such service(s) (T28, USC Sec. 1921 establishes the fees for service of process by the U.S. Marshal) may be required prior to said service.

For service of any process upon an officer or agent of the United States Government, submit a copy of the writ and a set of Form USM-285 for each officer or agent upon whom service is desired. Submit three (3) additional copies of the writs for service upon the Government of the United States. The U.S. Marshal will serve one (1) upon the U.S. Attorney and will forward two (2) to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or his Deputy always certifies service on the U.S. Attorney and the Attorney General, regardless of whether other defendants on the writ were served.) Failure to provide any of the copies will delay service of the writ.

Complete all entries above the double line. Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the U.S. Marshal in expediting service.

If more than one writ and USM-285 is submitted on a single case, the U.S. Marshal will receipt for all of them on the first USM-285. You will receive for your records the last (No. 5) "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Clerk of the Court.

Upon completion of all services (if the Marshals fees were not requested or tendered in advance or if additional fees are indicated), you will receive a "Billing Statement" (copy 4 of USM-285) from the United States Marshal. (NOTE: Copy 4 should be returned, by you, to the U.S. Marshal, together with your payment of the amount owed.

Additional supplies of the USM-285 may be obtained from the Clerk of the U.S. District Court or U.S. Marshal, without cost.